

STAT
MEMORANDUM FOR:

Attached is the draft IPD report to Congress on FOIA progress for Mar - Sep 85.

Our input attached and as you requested copy of OGC input inclosed = the OLL report was verbal negative.

A lot of unnecessary wordage in this report, however this is written under DDA rules and as Fitzwater will sign - guess this is what they want.

Last page - Future Prospects - is a fine paper tho.

Will call in concurrence, unless you have changes.

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Semi-Annual Report to Congress on FOIA Processing

FROM:

OIS/IPD
1107 Ames

EXTENSION

NO.

~~DDA-1273~~

DATE

2 October 1985

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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6E2914 HQS

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Attached is our report covering the second six-month period of our performance under the CIA Information Act. May we please have your concurrence and/or comments by COB on Monday, 7 October? I realize this gives you a rather short time, but the report is due in Congress on 15 October. We would, therefore, like to have it in Mr. Fitzwater's hands on Tuesday, 8 October.

Thanks for your input and your help.

1-15th Section should be reduced by 90% -- not germane to Senate Chm!
2 Bul/Pers section ok

be more than glad to elaborate.

DP/2 ep 17
67 14 Oct 85.

Central Intelligence Agency

Washington, D C 20505

The Honorable Storm Thurmond
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The enclosed report is submitted in compliance with the reporting requirements of the CIA Information Act of 1984. This report--due 15 October 1985--covers the six-month period from 15 March 1985 to 14 September 1985.

The period was highlighted by a significant reduction in the backlog, a marked improvement in the response time (when discounting old cases), and initiatives to improve the number and quality of personnel, the work environment, the organizational structure, and the processing system.

We are extremely pleased with the significant progress made during the reporting period, especially with the unprecedented reduction in our backlog of cases. In fact, as of this date our backlog has fallen even further and now stands at 1,967 cases. The prospects for continued and even greater progress excites us all, especially our personnel responsible for processing FOIA cases.

Sincerely,

Harry E. Fitzwater
Deputy Director
for
Administration

Enclosure

Second Report on FOIA Processing

Measures to Improve Processing

reduced by 90%

During this reporting period, the Agency has continued its efforts to improve its processing of FOIA requests. Within the Information and Privacy Division of the Office of Information Services (IPD/OIS)--the Coordinator's staff--the following initiatives were undertaken.

1 --Two more rehired annuitants were brought on as FOIA case officers and assigned to work unusually large FOIA cases. One began work in April and the other in August. Following a period of work on the easier cases under the tutelage of senior staff case officers, both are now ready to begin work as a team on older, more complex cases. IPD now has two teams of two rehired annuitants each available to finalize large FOIA cases. These annuitants and the team approach have already closed several large, complicated cases, and more of the same is expected.

7
p --IPD's final two word processors have arrived. One is operational and has been assigned to the Appeals and Litigation Branch to speed up their correspondence with requesters. The other will be assigned to a staff case officer who is now sharing a word processor with another officer. Hook-up awaits the installation of cables, which will take place this fall. All staff case officers will then have their own word processors. Two of the final five computer terminals have been received and installed, thus speeding up the work of the newly formed Support Services Branch. The remaining three terminals should arrive and become operational within the next few months.

A
b --Most of the new ergonomic furniture has been received and the IPD office space renovation is essentially complete. One object of the renovation was to move the Appeals and Litigation Branch into the same office space as the rest of the division. This has occurred, and the resulting improvement in communication among the three branches is paying

significant dividends. Despite the confusion, noise, dust, and dislocation resulting from renovation of the IPD office space, the work of the division has continued at its usual fast pace, the results of which can be seen under "Response Time" and "Workload Trends."

--Overtime continues to be used to prevent bottlenecks from developing in various stages of case processing within IPD. The division's queue of cases awaiting final response to the requester amounts to no more than two day's work at any given time.

--The new Support Services Branch is functioning smoothly and has proved to be a great improvement over the previous structure. This newly formed branch consolidates all support functions within a single organizational entity, thus allowing management and chain-of-command concepts to be applied more effectively to the processing of FOIA cases. It has been especially effective in tracking cases to ensure that action continues to be taken and that none is sidetracked or lost.

--Conferences with component Information Review Officers (IROs)--and the joint initiatives these meetings have produced--have resulted in the completion of a large number of extraordinarily complicated old cases that have been choking the system and delaying the processing of simpler cases which could otherwise be processed in a short period of time. These meetings have also served as a forum for discussion of processing procedures and any other problems that arise. The net result has been improvement in the processing of cases and a greater understanding and appreciation of processing issues unique to particular components.

--The position of Deputy Chief of IPD has been upgraded along with the designation of the incumbent as Associate Information and Privacy Coordinator. This gives the Deputy Chief increased authority in dealing with FOIA personnel throughout the Agency and

provides IPD with a second senior officer directly responsible for the management of the Agency's FOIA program. This has also improved the management of the Division staff personnel and their workload.

Other components of the Agency have taken steps to improve their processing as well:

--The Office of the General Counsel has increased the personnel primarily engaged in FOIA processing by one part-time paralegal. In addition, an attorney who had partial responsibility for FOIA cases now devotes substantially more of his time to FOIA.

--The Directorate of Intelligence has added one full-time staff employee to its FOIA processing staff.

--The Directorate of Science and Technology, with the lightest case load of the four directorates, has added no new full-time personnel, but more personnel are assigned FOIA responsibilities on an ad hoc basis as the requirements levied on offices within that directorate dictate. This directorate has also made a special effort to complete its older cases and has asked IPD to alert the directorate IRO to any cases remaining open because of additional case processing needed in that directorate. Any such cases identified are then given special attention so that a final response to the requester can be made in the shortest possible time.

Budgetary and Personnel Allocations

As explained in our 15 April 1985 report, the funds, personnel, and equipment devoted to processing FOIA requests are necessarily an approximation based on the percentage of the workload made up of FOIA cases, since the personnel working on FOIA cases also process Privacy Act (PA) and Executive Order Mandatory Review (EO) requests. Thus far this year FOIA requests have constituted 51.3% of the requests received, while PA and EO requests amounted to 38.3% and 10.4% respectively.

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STAT There are [] Agency employees primarily or entirely tasked with processing FOIA/PA/EO requests. [] of these are full-time staff employees, [] are part-time staff, and [] are rehired annuitants working two or three days a week. Our total FOIA/PA/EO manhours converted to manyears thus far this year would be [] about the same as the [] manyears reported for 1984. This is down somewhat from the April report, as expected, because of summer vacations. The estimated expenditure for personnel is [] This figure is calculated by the same formula used for our annual reports to Congress, based on an average professional grade of GS-12/1 and an average clerical grade of GS-06/1 for FOIA personnel. Based on the workload percentages noted above, personnel expenditures for FOIA amounted to [] An additional [] has been expended on FOIA/PA/EO processing through office renovation and the acquisition of ergonomic furniture, word processors, and computer terminals.

STAT Workload Trends

STAT The file designations allowed by the CIA Information Act were in effect throughout this reporting period, but are just now beginning to affect our FOIA workload, primarily in the form of reduced processing time for new cases. Relatively few cases have been completed quickly thus far as a direct result of the CIA Information Act, but we expect this number to increase dramatically during the next reporting period. The reason for the delayed impact of the file designations is the large backlog of old cases opened prior to passage of the CIA Information Act. Even though the file designations are retroactive, a decision was made not to rework cases that were substantially completed at the time the files were officially designated. This avoided duplication of effort on the part of our reviewers and kept those requests that were almost ready for final response moving toward that goal. *When will it happen?*

STAT The overall workload figures for the reporting period are as follows:

	<u>15 Mar 1985 Backlog</u>	<u>Cases Opened</u>	<u>Cases Closed</u>	<u>14 Sept 1985 Backlog</u>	<u>Net Reduction</u>
Total Backlog	2,642	1,425	2,012	2,055	587
FOIA Backlog	1,638	696	1,068	1,266	372

The reduction of the FOIA case backlog during this reporting period from 1,638 to 1,266--a reduction of 372 cases--represents a decrease of about 23% in our FOIA cases since 15 March, and a total reduction thus far of 36% since October 1984, the date the CIA Information Act became law. (A comparable reduction of PA and EO cases has also occurred--21% for the current reporting period and 26% since October 1984.) When considering that most of this reduction occurred without benefit of the CIA Information Act of 1984, we view the backlog reduction as an achievement of the highest order. We are determined to reduce it even more.

Response Time

Although our response time has improved somewhat since the last report, we believe that the average number of months required to process the 1,068 FOIA cases completed during the 15 March-14 September reporting period presents a grossly misleading picture. Many of the cases completed during this period were several years old; while we are pleased to see these old, rather complex cases make their way through the review/coordination process, the length of time these have taken greatly distorts the average response time, thus penalizing us unfairly for our extra efforts to clear these cases from our processing queue so that the full beneficial impact of the CIA Information Act on the processing of new cases can be felt. In addition, therefore, to calculating an overall average response time for comparison purposes, we have calculated the median response time for cases completed during the six-month period covered in this report. The median response time was 9.2 months for the 1,068 FOIA cases completed during this reporting period. This means that 50% or 534 of the 1,068 FOIA cases closed during this reporting period took 9.2 months or longer to complete, while the remaining 50% or 534 cases closed took 9.2 months or less to complete. The mean or average response time for these 1,068 cases was 15.5 months. The discrepancy between the mean response time of 15.5 months and the median response time of only 9.2 months illustrates clearly the distortion in the response-time measure produced by our special efforts to clear old cases. More importantly, it shows how dramatically the response time can improve once the backlog of old cases is eliminated. This reduction in response time is most encouraging, and once the full impact of the CIA Information Act is felt the response time should show even more dramatic improvement. That is clearly what Congress intended when it enacted this legislation.

*Why not report, as
a separate statistic,
the avg response time for
requests received since
1984?*



Future Prospects

Our most spectacular success during this reporting period has been the steady decline in our backlog of cases. We expect this decline to continue and our overall backlog (FOIA, PA, and EO cases) to fall to well below 2,000 cases by the end of the third reporting period.

The backlog reduction alone will further improve our response time, especially the closing out of older cases. As these are completed, personnel who have been reviewing and coordinating mounds of documents containing essentially no releasable information will be freed to work on more current, less complex cases. Furthermore, as our workload decreases, thus resulting in a lighter case load for each case officer, these officers will be able to devote more time and attention to monitoring the progress of current cases through the system, thus ensuring that the processing of each case moves steadily forward with no unnecessary delay. Continuous attention to each case as it moves through the processing system is yet another initiative planned by IPD to speed the processing of cases and reduce overall response time even further.

Another activity that is already affecting our response time favorably is the increase in our collection of material previously released under FOIA. An automated index of released documents, called ORIS, along with microfiche copies of previously released documents, is managed and maintained by our newly formed Support Services Branch, and many new FOIA requests can be serviced directly on a nearly over-night basis from this collection. This means a faster response for many requesters without the time and expense of additional records search and review. As this collection expands, more requests can be completed in this way. We will be looking into newer technology as a means of making this system more responsive, and plans have already been made to add a contract librarian/indexer to our staff so that the collection of previously released materials can be organized and structured so as to be searchable in response to a wider variety of FOIA requests.